

Thomas F. West and Diana M. West
5620 Scenic Pointe Ave.
Las Vegas, Nevada 89130
Telephone (702) 656-3081
Plaintiffs in Proper Person

2010 NOV 22 A 10:31

UNITED STATES DISTRICT COURT
District of Nevada

THOMAS F. WEST and DIANA M. WEST

PLAINTIFFS

vs.

BANK OF AMERICA HOME LOANS

DEFENDANT

Case No.: 2:10-cv-01966-JCM-PAL

RESPONSE TO PETITION FOR REMOVAL
OF ACTION TO FEDERAL COURT
PURSUANT TO
28 USC §§ 1331, 1332, 1441(b) and 1446

Thomas F. West and Diana M. West, Plaintiffs, in proper person, submit their response to the Petition for Removal of Action to Federal Court (the "Petition") as filed by Defendant, Bank of America Home Loan Servicing LP, ("BAC") on November 9, 2010. Defendant's claim that Bank of America Home Loans was improperly named was not proven. Plaintiffs have documented proof that Bank of America Home Loans is the stated owner of the subject loan (see Exhibit 1). BAC Home Loans Servicing, LP, as the Removing Defendant, should not be allowed to file the Petition for they are one of many named servicing entities owned and controlled by Bank of America, N.A, and its subsidiary Bank of America Home Loans. In response to this removal Petition, Plaintiffs state as follows:

Diversity and Federal Question Jurisdiction

Plaintiffs agree with the jurisdiction outlined and agree that jurisdiction lies within this Court and agree based on Jurisdiction to have a Federal Court hear this case.

Conclusion


Defendant, through its Counsel, has now filed a Motion for Summary Judgment that is opportunistic and extremely premature. Plaintiffs have just received the Petition on Jurisdiction to move the case into Federal Court and are still within the timeline allowed to respond to that Petition.

Plaintiffs will prove that Defendant is not or has never been the Holder in Due Course on the subject Loan and has not proven its Proof of Claim; that Defendant does not possess or has ever possessed the original Deed of Trust mortgage, the original Note, or any other original documentation. Defendant has on more than one occasion sent Plaintiffs Counterfeit copies of some of the above mentioned documents. Plaintiffs contend that the Defendant, Bank of America Home Loans, does not know even what part of the world these documents might reside and how many times the above mentioned loan may have been paid in full. Plaintiffs will show that Defendant has had three separate opportunities to cure and by acquiescence failed to cure and that this alludes to Fraud.

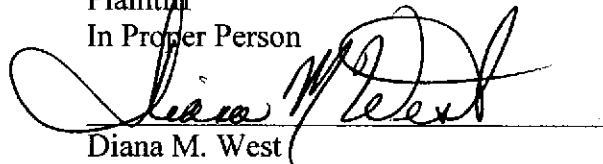
As there appears to be a dispute of who the Defendant in this case should be, Plaintiffs will file concurrent with this response an Amended Complaint naming additional Defendants including MERS, Bank of America, N.A., Bank of America Home Loans, and Bank of America Homes Loans Servicing, L.P..

Plaintiffs Amended Complaint will show additional Cause of Action.

Dated this 22 day of November, 2010.



Thomas F. West
Plaintiff
In Proper Person



Diana M. West
Plaintiff
In Proper Person

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EXHIBIT A



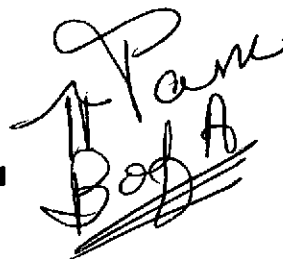
New opportunities are here for you.

CHANGE SERVICE REQUESTED



*****AUTO**5-DIGIT 89130

Diana West
Thomas West
5620 Scenic Pointe Ave.
Las Vegas, NV 89130-1564



Dear Diana and Thomas,

We're pleased to welcome you to Bank of America and Bank of America Home Loans. Your mortgage is with one of the world's largest and most trusted financial institutions.

A new approach to home lending.

With the introduction of Bank of America Home Loans, Bank of America is leading the way in clear, transparent and responsible lending. We're committed to empowering our customers with the tools and information they need to make informed decisions and to be successful homeowners.

Explore the opportunities available to you.

You have access to a wide range of banking and investment products through our nationwide network of 6,100 banking centers and more than 18,000 ATMs. Plus, our award-winning Online Banking service can help you manage your finances with more convenience, more control and more security.

Your guide to get started.


We've included a helpful booklet that will guide you through the opportunities now available to you. Inside, you'll find valuable information about our products and services. In addition, you'll find a detachable resource guide below with essential phone numbers and Web sites.

Next steps. Next page.

We want to assure you that you will only need to do a few things differently, if any. Please review the important information on the next page to see which steps you need to take. For your convenience, you can also find this information, as well as answers to questions you may have, online at bankofamerica.com/welcome.

Once again, welcome to Bank of America and Bank of America Home Loans. Our team of professionals is here to provide you with personal service and support. We're pleased to have you as a customer.

Sincerely,



Barbara Desoer
President

Bank of America Home Loans & Insurance Services

Your welcome kit includes:

- Answers to questions
 - Valuable information
 - Access to new opportunities
-

UNITED STATES DISTRICT COURT
For the District of Nevada

THOMAS F. WEST AND

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Plaintiffs

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RESPONSE TO PETITION FOR REMOVAL
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CERTIFICATE OF MAILING

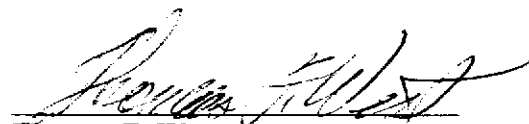
I, Thomas F. West, hereby certifies that a copy of the Response to Petition for Removal of Action to Federal Court Pursuant to 28 USC §§ 1331, 1332, 1441(b) and 1446 filed on the ____ day of November, 2010, in the above-entitled case was mailed by me on November ____, 2010 by depositing copies thereof in a sealed envelope, first-class postage prepaid, in the United States mail, to

Ariel E. Stern, Esq.
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Las Vegas, NV 89101

Christine M. Parvan, Esq.
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400 South Fourth Street, Suite 450
Las Vegas, NV 89109

Bank of America Home Loans
1757 Tapo Canyon Road
Simi Valley, CA 93063

Dated: November 22, 2010



Thomas F. West
Plaintiff
In Proper Person